

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BARBARA A. BAUMGARTEN,

Plaintiff,

-against-

ORDER
12-CV-0941(JS)(AKT)

SUFFOLK COUNTY SHERIFFS DEPARTMENT,
COUNTY OF SUFFOLK, HOME LOAN
MORTGAGE CORPORATION, INDYMAC BANK,
REAL ESTATE OFFICE OPTION FIRST,
DEBRA MANGOGUA, CONTRACTORS HIRED
BY BANK JOHN DOE, JOHN DOE,
JOHN DOE, JOHN DOE, JOHN DOE,
JOHN DOE, JOHN DOE, JOHN DOE,
JOHN DOE,

Defendants.

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APPEARANCES:

For Plaintiff: Barbara A. Baumgarten, Pro Se
P.O. Box 213
Holbrook, NY 11741

For Defendants: No Appearance

SEYBERT, District Judge:

Before the Court is the Complaint filed by pro se plaintiff Barbara A. Baumgarten ("Plaintiff") filed pursuant to 42 U.S.C. § 1983, alleging violation of Plaintiff's rights as guaranteed by the Fourth, Fifth, Sixth and Fourteenth Amendments of the United States Constitution. Plaintiff also seeks relief pursuant to New York Executive Law § 63(12) and New York General Business Law § 4(b). Accompanying the Complaint is an application to proceed in forma pauperis. Upon review of the Plaintiff's declaration in support of her application, the Court finds that her financial status qualifies her to proceed without prepayment of the

filing fee. Accordingly, Plaintiff's request for permission to proceed in forma pauperis is GRANTED.

Having reviewed the pro se Complaint, and affording it liberal construction as this Court is required to do, Erickson v. Pardus, 551 U.S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007), the undersigned declines to sua sponte dismiss it pursuant to 28 U.S.C. §§ 1915(e)(2)(b); 1915A(b) at this time. Accordingly, the Court orders service of the Summons and Complaint on the named Defendants by the United States Marshal for the Eastern District of New York forthwith.

The Clerk of the Court is directed to forward to the United States Marshal for the Eastern District of New York copies of Plaintiff's Summons, Complaint, and this Order for service upon the named Defendants without prepayment of fees.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: March 28, 2012
Central Islip, New York